

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS CAREY, JR.,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:24-99
)	Judge Nora Barry Fischer
COLETTE S. PETERS, DIRECTOR, BOP,)	Magistrate Judge Keith Pesto
MICHAEL UNDERWOOD, WARDEN,)	
F.C.I. LORETTO,)	
)	
Respondents.)	

MEMORANDUM ORDER

AND NOW, this 16th day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on May 14, 2024, (Docket No. 5), recommending that the § 2241 habeas petition filed by Petitioner Thomas Carey, Jr. against BOP Director Colette S. Peters and Warden Michael Underwood of FCI Loretto be dismissed for lack of subject matter jurisdiction and directing that any objections were due within 14 days, Petitioner's Objections to Report and Recommendation which was timely filed on May 22, 2024, (Docket No. 6), as well as his Brief in Support of 2241 Petition which was filed months later on October 6, 2024, (Docket No. 7), and this matter having been recently reassigned to the undersigned for prompt disposition of the matter, (Docket No. 8), and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner's Objections (Docket Nos. 6 & 7) are OVERRULED, as his attempt to challenge his conviction utilizing a § 2241 petition is foreclosed by 28 U.S.C. § 2255(e), the Supreme Court's decision in *Jones v. Hendrix*, 599 U.S. 465, 478

(2023); and subsequent precedent by the U.S. Court of Appeals for the Third Circuit, *see e.g., In re Edwards*, 98 F. 4th 425, 436 (3d Cir. 2024);

IT IS FURTHER ORDERED that the Petition (Docket No. 4) is DISMISSED, for lack of jurisdiction; and,

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: Magistrate Judge Keith A. Pesto

cc: Thomas J. Carey, Jr.
BOP # 76081-053
F.C.I. Loretto
P.O. Box 1000
Cresson, PA 16630 (via first class mail)